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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MASTEROBJECTS, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 11-1054 PJH

**STIPULATION AND [PROPOSED]
ORDER FOR WITHDRAWAL OF
DEFENDANT'S MOTION TO DISMISS**

1 Plaintiff MasterObjects, Inc. ("Plaintiff") and defendant Google Inc. ("Defendant"),
2 hereby stipulate through their respective counsel of record as follows:

3 WHEREAS, on or about March 7, 2011, Plaintiff served its Original Complaint upon
4 Defendant;

5 WHEREAS, Defendant filed a Motion to Dismiss the Original Complaint, or in the
6 Alternative, For a More Definite Statement (D.N. 11) under F.R.C.P. 12 on April 27, 2011;

7
8 WHEREAS, Plaintiff filed a First Amended Complaint (D.N. 22-1) and Stipulation
9 and [Proposed] Order for Leave to File a First Amended Complaint (D.N. 22) on June 8,
10 2011;

11 WHEREAS, Google stipulates to withdrawing, without prejudice to refile its Motion
12 to Dismiss the Original Complaint, or in the Alternative, For a More Definite Statement
13 (D.N. 11) filed on April 27, 2011;

14 WHEREAS, if the Court denies Plaintiff's request for leave to file its First Amended
15 Complaint, Google reserves all rights to re-file its current Motion to Dismiss the Original
16 Complaint, or in the Alternative, For a More Definite Statement;

17
18 WHEREAS, if the Court grants Plaintiff's request for leave to file its First Amended
19 Complaint, Google reserves all rights to respond as it deems appropriate to the Plaintiff's
20 First Amended Complaint, including with respect to any objections, defenses, and/or
21 perceived deficiencies under F.R.C.P. 12 or any other federal or local rule;

22 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that
23 Plaintiff does not oppose Defendant's withdrawal of its Motion to Dismiss the Original
24 Complaint, or in the Alternative, For a More Definite Statement (D.N. 11) under F.R.C.P. 12
25 filed on April 27, 2011.
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1 Dated: June 9, 2011

McDERMOTT WILL & EMERY LLP

2
3 By: /s/ Vera M. Elson
4 Vera M. Elson
5 *Attorneys for Defendant*
6 *Google Inc.*

7 HOSIE RICE LLP

8 By: /s/ William P. Nelson
9 William P. Nelson
10 *Attorneys for Plaintiff*
11 *MasterObjects, Inc.*

12 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
13 filing of this document has been obtained from the other signatories.

14 Dated: June 9, 2011

15
16 /s/ Vera M. Elson
17 Vera M. Elson
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PURSUANT TO STIPULATION IT IS ORDERED THAT

Stipulation to withdraw Defendant's Motion to Dismiss the Original Complaint, or in the Alternative, For a More Definite Statement (D.N. 11), filed on April 27, 2011 is GRANTED WITHOUT PREJUDICE.

Dated: June 10, 2011

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